RDE SHAB IN

IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

NW/S Emory Road, 2100 ft. NE

of Emory Church Road 5804 Emory Road

4th Election District 3rd Councilmanic District Glenn M. Heagerty, et al

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 96-439-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Glenn M. Heagerty and Joseph F. Heagerty, for that property known as 5804 Emory Road in the northern section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 24 ft., in lieu of the required 35 ft., for an addition in the side yard. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILLING

LES:mmn

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of June, 1996 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 24 ft., in lieu of the required 35 ft., for an addition in the side yard, be and is hereby GRANTED, subject, however, to the following restriction:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County





Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 4, 1996

Messrs. Glenn M. Heagerty and Joseph F. Heagerty 632 Lavenham Court Timonium, Maryland 21093

RE: Petition for Administrative Variance

Case No. 96-439-A

Property: 5804 Emory Road

Dear Messrs. Heagerty:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

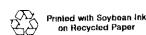
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

Zawrence E. Schmidt Zoning Commissioner

LES:mmn encl.





Petition for Administrative Variance

	to the Zoning Comm	issioner of Baltimore County
MARYLAND	for the property located at	5804 EMORY ROAD
91	6-439-A	which is presently zoned $R \subset 2$
		store A. Brancher, and Harris and and

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1AO1, 3, B, 3 TO PERMIT

A SETBACK OF 26FT IN LIEU OF THE REQUIRED 35FT FOR A BUILDING ADDITION IN THE SIDE YARD

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or

practical difficulty) HUST ADD ADDITION TO EXISTING RESIDENCE FOR GLENN MI HEAGERTY AND IHIS WIFE DIANE TOLIVE IN TO CARE FOR GLENN'S MOTHER CATHERINE WHO CANNOT LIVE ALONG BECAOSE SHE HAS ALZHEIMERS. ONLY PRACTICAL + FEASIBLE PLACE TO CONSTRUCT ADDITION IS SOUTHWEST SIDE OF HOUSE REQUIRING SET BACK OF 26 FEET - 9 FEET LESS THAN RC-2 REQUIREMENT OF 35 FEET. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

legal owner(s) of the property which is the subject of this Petition. Legal Owner(s) Contract Purchaser/Lesses (Type or Print Name) Signature Address Zipcode Attorney for Petitioner (Type or Print Name) Address and phone number of representative to be contacted Signature Name Address Phone No Phone No. Clty Zipcode Address



REVIEWED BY: _____ DATE: ____ DATE: ESTIMATED POSTING DATE: ________

circulation throughout Baltimore County, and that the property be reposted.



A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this

Printed with Sovbean Ink on Recycled Paper

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

MICROFILMED

Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5804 EVIOR	Y KOAD		
That the Affiant(s) does/do presently reside ata	DPERCO City	MD State	21155 Zip Code	
That based upon personal knowledge, the following Variance at the above address: (indicate hardship or pro		I/we base the request for	or an Administrative	
MUST ADD ADDITION TO	EXISTING RES	IDENCE FOR	GLENN H. ITE	AGERY
AND HIS WIFE DIANE TO L	IVEIN TO CAK	E FOR GLE	UN'S MOTHER	
CATHERINE WHO CAN NOT				
OULY PRACTICAL AND FE	451BLE PARCE	TO CONSTRI	UCT ADDITION	15
SOUTHWEST SIDE OF HO				
STEET LESS THAN RO	-2 REQUIRM	ENT OF 30	FRET. THE	BOILDER
IS READY TO BEGIN COM	USTRUCTION 5,	14/96. TI	MEISOFTHEE	SSENCE.
may be required to provide additional information Lean M. Heagerly (signature) (type or print name) STATE OF MARYLAND, COUNTY OF BALTIN		(signature) JOSEPH F type or print name)	lucyent. HEAGERTY	
I HEREBY CERTIFY, this 6 day of of Maryland, in and for the County aforesaid, per	sonally appeared	9 <u>96</u> , before me, a	Notary Public of the State	
Glenn M. Heagerty and Joseph				
the Affiants(s) herein, personally known or satisfathat the matters and facts hereinabove set forth an	ectorily identified to me as s re true and correct to the be	uch Affiantt(s), and ma st of his/her/their know	de oath in due form of law ledge and belief.	
AS WITNESS my hand and Notarial Seal. 6 May 96	NOTARY PUBL	Gusa	il.	
	My Commission	Expires:		
		1.	Mar.x600	

96-439-A

ZONING DESCRIPTION FOR 5804 EMORY ROAD

Beginning at a point on the northwest side of Emory Road which is 40 feet wide at the distance of 2100 feet northeast of the centerline of the nearest improved intersecting street Emory Church Road which is 30 feet wide. As recorded in Deed Liber 939, Folio #412, containing 1.01 acres, N.38 32'45" W.281.17 ft., N.45 40'15" E.160.21 ft., S.38 32'45" E.281.17 ft, and S.45 40'15" W.160.21 ft. to the place of beginning. Also known as 5804 Emory Road and located in the 4th Election District 3 Councilmanic District.

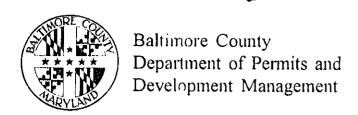
MICROFILMED

AA5

CZETIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY ()

	Sumber of Signe:	Remarks	Location of Spar leving 7000 Way on property being 2040 &	Location of property. 9804 Emony Rd Kinks	Potitioner Blom & Fortel Haggarty	or Variance	District 4rd
FT1	Date of return: 5/74/96		cty being zoned.			Date of Posting 5/17/96	4-454-A

OFFICE OF FINANCE REVENUE DIN MISCELLANEOUS CASH RECEIP	.ND /ision T	No.	
DATE 5/15/96	COUNT001-	-6150	
RECEIVED	MOUNT_\$ 10.00) (JIL)
*7	10- VERIFICAT Item #4465 #4	ION 45	
MCROFILMER	14748TCHRC 14080805-14-97	\$	10,00
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	SIGNATURE OF CASH	IER	
BALTIMORE QUINTY MARYLAND	JLL	# 44	
BALTIMORF DUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	AR		190116 U. VAR.
OFFICE OF FINANCE - REVENUE DIVISION	- ROOJEL		
DATE 5/9/96 ACCOUNT AMOUNT RECEIVED THE AGE FROM:	- ROOJEL		
DATE 5/9/96 ACCOUNT AMOUNT RECEIVED FT EAGERTY 5804 EMORY RD.	- ROOJE14 - 8.5.		
DATE 5/9/96 ACCOUNT DATE 5/9/96 ACCOUNT RECEIVED FROM: HEAGERTY 5804 EMORY RD FOR: RV 50 SIGNU 350 NAICROFIL NEED OLAGUAGUY	ROOJ614		U. VAOZ.



Development Processing County Office Building III West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

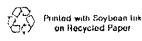
- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

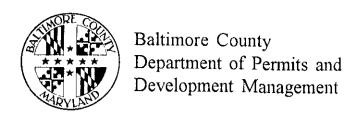
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 445 Petitioner: GLENN M. + JOSEPH F. HEAGERTY
Location: 5804 EMORY ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: GLENN M. HEAGERTY
ADDRESS: 632 LAVENHAM COURT
TIMONIUM, MO 21093
PHONE NUMBER: (410) 561-5925







Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 16, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re:

CASE NUMBER: 96-439-A (Item 445)

5804 Emory Road

NW/S Emory Road, 2100' NE of Emory Church Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Glenn M. Heagerty and Joseph F. Heagerty

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

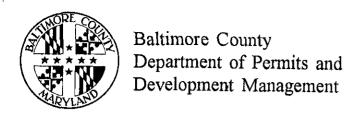
- 1) Your property will be posted on or before May 19, 1996. The closing date (June 3, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Glenn M. Heagerty and Joseph F. Heagerty

MICROFILMED



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 30, 1996

Mr. Glenn M. Heagerty 632 Lavenham Court Timonium, MD 21093

RE: Item No.: 445

Case No.: 96-439-A

Petitioner: G. M. Heagerty, et al

Dear Mr. Heagerty:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 9, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:437,438,440,441,442,443,444,445,445,446,447 AND 448. 10

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICHAED

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 28, 1996

Department of Permits &

Development Management

FROM:

Robert W. Bowling, P.E., Chief Development Plans Bare

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for May 28, 1996

Item Nos. 437, 440, 442, 444,

446, 448 & 449

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



David L. Winstead Secretary Hal Kassoff Administrator

5-17-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No. 445 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS/es

My telephone number is ...

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 16, 1996

TO:

Arnold Jablon, Director

Permits and Development

Management

FROM:

Pat Keller, Director

Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 417, 442, 443, 444, 445, 447, and 448

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

PK/JL

Saltimore County Government Office of Permits and Development Management 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

	OTHER RESPONSE
PILKEDUP	
By Mrc	
HAROFRIY	
HABOERTY 5/17/96 JLL	11+H - N
1 1. 146	HTH ED
NORE CO	7

	(410) 887-3391	911/96 ILL	HTE
PROVISIONAL APPROVAL PERMIT NUMBER:	Date: 5/16/96		
Location: 5804 EMOR)	/ RD		
The issuance of this permit in n this property which is in conflic	o way grants or implies approval c ct with the <u>Baltimore County Zonin</u>	f any matter relating to g Regulations.	
The issuance of this permit is s	ubject to the following Conditions	:	
Owner has filed for a pul	blic hearing, Item #_44.5		
Commissionr requesting Zoning Regulations.	blic hearing within days before relief from all conflicts with the B	attimore County	
and requested accompar	er must submit a complete revised s nying information within days note County Zoning Regulations.	site development plan resolving all possible	
The owner/contract purchase indicated in the above reference	er may proceed at his own risk ced permit.	with the construction	
However, in the event that a stipulated, and/or the petition provisional approval is rescine	any or all of the above condition for relief has been denied, disminded forthwith.	s are not completed as ssed, or withdrawn, this	
Immediately thereafter, the condition it was in prior to the	owner/contract purchaser must ret ne beginning of said construction a	urn the property to the and accepts full financial	
liability in the matter.	1	e0	
	DIRECTOR, PERMITS & DEVI	GI OPMENT MANAGEMENT	
ZONING STAFF			
I have read the above statem commissioner, if applicable, in in fact the owner and, if applications are applicated to the content of the cont	ent and I agree to abide by the deci this matter. I also hereby certify the cable, the contract purchaser and no	it just an agent for same.	_}
Signed - Owner Honn M. He	Signed - Contract Pure Printed Name OSC	shaser / Sale	agest
Printed Name <u>GLENN M. HEAR</u> Address <u>632 LAUENHAM</u>	CT Address 5803 F	mon, Rd.	_
TIMONIUH, MO	21093 Uppenc	o, Md 21133	-
Work Phone # <u>561-5925</u>	Work Phone # Home Phone # _ +2	9-5259	
Home Phone # 561-5925	Home Phone #	Revised 8/11/9	5

PROJISIONMENTO BE RESTURNED TO US. HIS TO FROM IS IN PLU EILE
APPUL UNDER H. I ADVISE HIM OF THIS ON HIS MESSONEE CALED MR HAEGERTY FOR PLK UP + COMPLETION OF

TAPORT

5/17/96 08 -5088

MOSTAFA IZADI, P.E. P.O. BOX 798 SPARKS, MD 21152-0798 H (410) 771-4084 W (410) 631-3717

May 16, 1996

Mr. Larry Schmidt Baltimore County Zoning Commissioner Room 113 Old Court House 400 Washington Avenue Towson, MD 21204

RE: Special Hearing for Wintergreen Subdivision

Dear Mr. Schmidt:

My wife and I have filed for a special hearing on May 8, 1996, for a refinement to the Development Plan for the above referenced Development Review Committee has determined our Subdivision. request meets the requirements of a refinement to the Development Plan on February 12, 1996, and the recommendations by DRC have been adopted by Mr. Arnold Jablon on February 15, 1996.

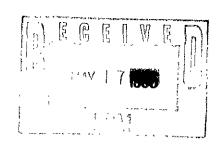
Hereby, we respectfully request your help for an expeditious hearing to enable us start construction of our new house as soon as possible. We would like to take advantage of dry weather and build our house in this coming Summer.

Should you have any questions, please do not hesitate to contact us.

Zóhreh A. Izadi

√ cc: Mr. Arnold Jablon, Director

MICROFILMED



Address Date

Signature

OTHER SIDE FOR CONTINUED STATEMEN

We are in this time frame problem because we did not. realize until last week that our property line is cocked Mobile results in the set back being only defect. We had assermed that the property line was parelled to the house which we thought gave as a set back of 36 feet. We plan to start construction on 5/14/96 so we

lan complete the addition by mid to late Acquest so my wrife Deane Heazert and me (Glenn Heagert,) com more in to care for my mother who has alyeiners and can not live alone iny longer.

Reuse consider this request as being of upmost importance since time iof the assence

Respectfully Submitted Stenn M. Heagerly

REASE CALL GLEN HEAGERTY.

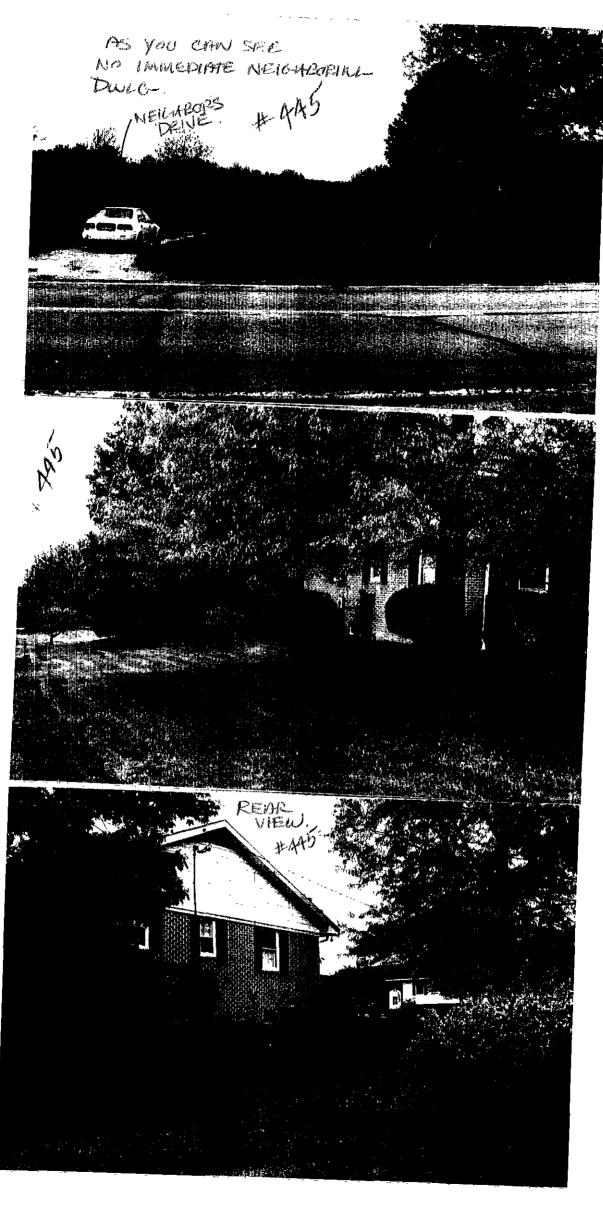
AT 561-5925 FOR

PICK UP OF THE RESPONSE.

A STATE

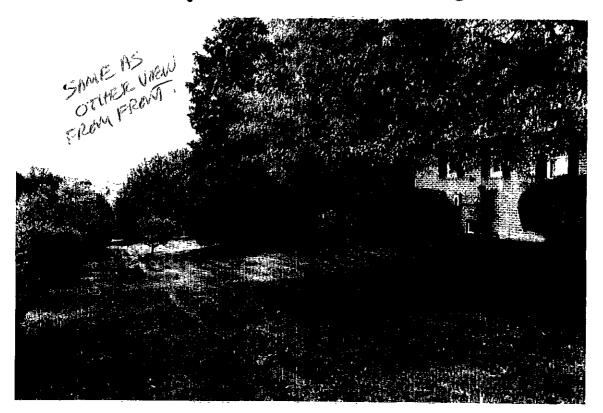
MICROFILMED.

by: Grewn Heagery Scale of Drawing: 1'= 50'	TO PRIEDE	11/8 540 11/8 540 10/2 10/2 10/2 10/2 10/2 10/2 10/2 10/2	412 20000 3 3 5 4 2 5 8 5 5 5 6 5 6 5 6 5 6 6 6 6 6 6 6 6 6	PROPERTY ADDRESS: 5804 EMORY ROAD Subdivision name: Phat Side 939, tolio # 912, ioi # - section # - HEAGERTY OWNER: GLENN M + JOSEPH F. HEAGERTY AR R MY
RÞ	# EMORY	20' HAG	O'	the pages 5 &
	Zoning: RC 2. Lot size: 1.01	LOCATION INFORMATION Election District: 4 Councilmanic District: 3 1-200 scale map#: NW 22-L	EMORPY CHURCH EMORPY CHURCH AND ALE AND ALE Scale 1'-1000'	s of the CHECKLIST for additional required information would be a series of the CHECKLIST for additional required information with the series of the CHECKLIST for additional required information with the series of the CHECKLIST for additional required information with the checklist for additional required in the checklist for a checklis



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96-439-A





(410)887

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approv	Llowing
cannot	the fol
office	ion for
e zoning	<u> pplicat</u>
The	permit :

Dear

Improper setbacks.	Improper use.	Improper location.	Inspection of the property must be made.	Insufficient information on permit/plans	Copies of the revised plan folded to 8-1/2"x11" must be	submitted in person to the counter in room 100/to my	

attention in room 109, County Office Building, 111 West

Chesapeake Avenue, Towson, MD. All plans must be

accompanied by a copy letter listing the revisions and

referencing the building permit.

1 West Chesapeake Avenue wson, MD 21204

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE NW/S Emory Road, 2100 ft. NE of Emory Church Road 5804 Emory Road

3rd Councilmanic District

* ZONING COMMISSIONER * OF BALTIMORE COUNTY 4th Election District

* BEFORE THE

* Case No. 96-439-A

Glenn M. Heagerty, et al Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Glenn M. Heagerty and Joseph F. Heagerty, for that property known as 5804 Emory Road in the northern section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 24 ft., in lieu of the required 35 ft., for an addition in the side yard. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompa-

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and

1. The Petitioners are hereby made aware that

LES:mmn

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does do presently reside at 5804 EMORY ROAD

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

MUST ADD ADDITION TO EXISTING RESIDENCE FOR GHENNI H. HEAGERTY AND IT IS WIFE DIANS TO LIVE IN TO CAKE FUR GRENN'S DOTHER CATHERINE WITO CAN NOT LINE ALONG BECAUSE SHE HAS ALZHEIMERS. ONLY PRACTICAL + FEASIBLE PLACE TO CONSTRUCT ADDITION IS SOUTHWEST SIDE OF HOUSE REQUIRING SET BACK OF ZEFEET - REFET LESS THAN RC-2 REQUIREMENT OF 35 FEET, BUILDER IS READY TO BEEIN CONSTRUCTION 5/14/56. TIME IS DETHE ESSENCE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

I HEREBY CERTIFY. this 6 day of May . 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Glenn M. Heagerty and Joseph F. Heagerty

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/theig knowledge and belief.

96-439-11

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of June, 1996 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 24 ft., in lieu of the required 35 ft., for an addition in the side yard, be and is hereby GRANTED, subject, however, to the following restriction:

> proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

ZONING DESCRIPTION FOR 5804 EMORY ROAD

Beginning at a point on the northwest side of Emory Road which is 40 feet wide at the distance of 2100 feet northeast of the

centerline of the nearest improved intersecting street Emory Church

Road which is 30 feet wide. As recorded in Deed Liber 939, Folio

#412, containing 1.01 acres, N.38 32'45" W.281.17 ft., N.45 40'15"

E.160.21 ft., S.38 32'45" E.281.17 ft, and S.45 40'15" W.160.21 ft.

located in the 4th Election District 3 Councilmanic District.

to the place of beginning. Also known as 5804 Emory Road and

Zoning Commissioner for Baltimore County

RE: Petition for Administrative Variance Case No. 96-439-A Property: 5804 Emory Road Dear Messrs. Heagerty: Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order. In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353. Zoning Commissioner LES:mmn encl.

Suite 112 Courthouse

Towson, MD 21204

400 Washington Avenue

Messrs. Glenn M. Heagerty

Timonium, Maryland 21093

and Joseph F. Heagerty

632 Lavenham Court

Printed with Soybean Ink

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

June 4, 1996

(410) 887-4386

CZETIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

	Towner, Maryland 96-439-A
District 4rcf	
Posted for: Variance	Date of Posting 2/17/94
Petitioner: 6100 4 For-	ph Hagant
Location of property: 570+ F-	FICT RO NUK
Location of Signer Carry 775	July or property box, zone h.
Remarks:	
Posted by	~/.
Signature Stumber of Signature	Date of return: 5/24 /96

BALTIMORE OUNTY, I		No. 445
MISCELLANEOUS CASH	HECEIPT	FOR IN LAR
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	AMOUNT \$	5.00
RECEIVED		
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OFFICE	ORE CONTO	Y, MARYLAND REVENUE DIVISION SH RECEIPT		No.	2* \$ 1 \$
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			ERIFICATIO	=	
FOR:		02/09/180V74HT		\$10.00	

ESTIMATED POSTING DATE

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5804 EMORY ROAD which is presently zoned RC2 This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

hereto and made a part hereof, hereby petition for a Variance from Section(s) IACL 3. B. 3 TO PERMIT A SETBACK OF JEFT IN LIEU OF THE REQUIRED 35FT FOR A BUILDING MODITION IN THE SIDE YARD of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

practical difficulty) HUST ADD ADDITION TO EXISTING RESIDENCE FOR GLENN M. HEAGERTY AND IHIS WIFE DIANE TOLINE IN TO CARE FOR GLENN'S MOTHER CATHERINE WHO CANNOT KINE ALONE BECACSE SHE HAS ALZHEIMERS. ONLY IZACTICAL + FEASIBLE PLACE TO CONSTRUCT ADDITION IS SOUTHWEST SIDE OF HOUSE REQUIRING SET BACKUE TEFEET - 9FEET LESS THAN RC-2 REQUIREMENT OF 35 FEET.
Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I.We do sciemnty declare and affirm, un legal owner;s) of the property which is the	der the benaines of berjury, that I/we are the sessingert of this Pertion	
ontraut Purchaser Lessee			Legal Owner(s)		
Type or Frot Name)			GLENN M. H.	EAGERTY	
gnature			Signature 111. X	reagery	
			JOSEPH F. H	EAGERTY	
acress			Type of Front Names when I . I deta	Column	
Oby .	State	Zipcode	Signature		
ittorney for Petitioner			(32 Lave-1104)	G 511-5975	
Type or Print Name!			632 LAVENHAM	G 561-5925 Phone No	
ignature			TIMONIUM City Name Address and phone number of res	HD 21093 State Zocode presentative to be contacted	
ddress	Prore	No .	Natie		
Dity"	State	Zipcode	Address	Phone No	
	is petition be let for a publ	chearing advertised of	red to the Saning Cammissioner of Eathmore is real red to the Coning Regulations of Eath		
			Ioning Con	Zoning Commissioner of Balt more County	
REVIEWED BY:	DATE:	.Pk	Printed with Saybean Ink	ITEM #: 445	

Department of Permits and

Development Processing County Office Building III West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

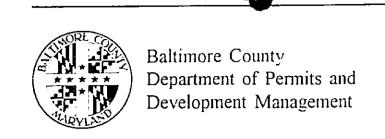
PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 45 Petitioner: CLENN M. + JOSEPH F. HEAGERTY
Location: 5804 EMORY ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: GLENN M. HEAGERTY
ADDRESS: 632 LAVENHAM COURT
TIMONIUM, MO 21093
PHONE NUMBER: (410) 561-5925



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 16, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

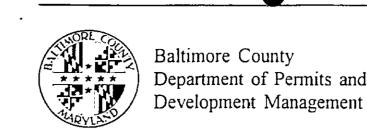
Re: CASE NUMBER: 96-439-A (Item 445) 5804 Emory Road NW/S Emory Road, 2100' NE of Emory Church Road 4th Election District - 3rd Councilmanic Legal Owner(s): Glenn M. Heagerty and Joseph F. Heagerty

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before May 19, 1996. The closing date (June 3, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

cc: Glenn M. Heagerty and Joseph F. Heagerty



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 30, 1996

Mr. Glenn M. Heagerty 632 Lavenham Court Timonium, MD 21093

> RE: Item No.: 445 Case No.: 96-439-A Petitioner: G. M. Heagerty, et al

Dear Mr. Heagerty:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 9, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Attachment(s)

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410)887-4880

SUEDY NO OTHER RESPUSE.

HTH ED

DATE: 05/20/96

Arnold Jablon

Director Zoning Administration and Development Management Baltimore County Office Building Towson. MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 20. 1996

Gentlemen:

Item No.: SEE BELOW

Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:437.438.440.441.442.443. 444,445,446.447 AND 448. 10

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office. PHONE 887-4881. MS-1102F

cc: File

Maryland Department of Transportation State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

5-17-96

RE: Baltimore County Ms. Joyce Watson Item No. 445 (JLL) Baltimore County Office of Permits and Development Management County Office Building, Room 109

Dear Ms. Watson:

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Ronald Burns, Chief **Engineering Access Permits**

My telephone number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development Management

DATE: May 16, 1996

Pat Keller, Director Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 417, 442, 443, 444, 445, 447, and 448

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

ITEM442/PZONE/TXTJWL

Saltimore County Government Office of Permits and Development Management 111 West Chesapeake Avenue, Room 111 Towson, MD 21204 (410) 887-3391

PROVISIONAL APPROVAL PERMIT NUMBER:____

Location: 5804 EMORY RD The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the <u>Baltimore County Zoning Regulations</u>.

The issuance of this permit is subject to the following Conditions:

Owner has filed for a public hearing, Item # 44.5

Owner must file for a public hearing within ___ days before the Zoning Commissionr requesting relief from all conflicts with the Baltimore County Zoning Regulations.

Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ___ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the zoning

commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 28, 1996

Arnold Jablon, Director Department of Permits & Development Management

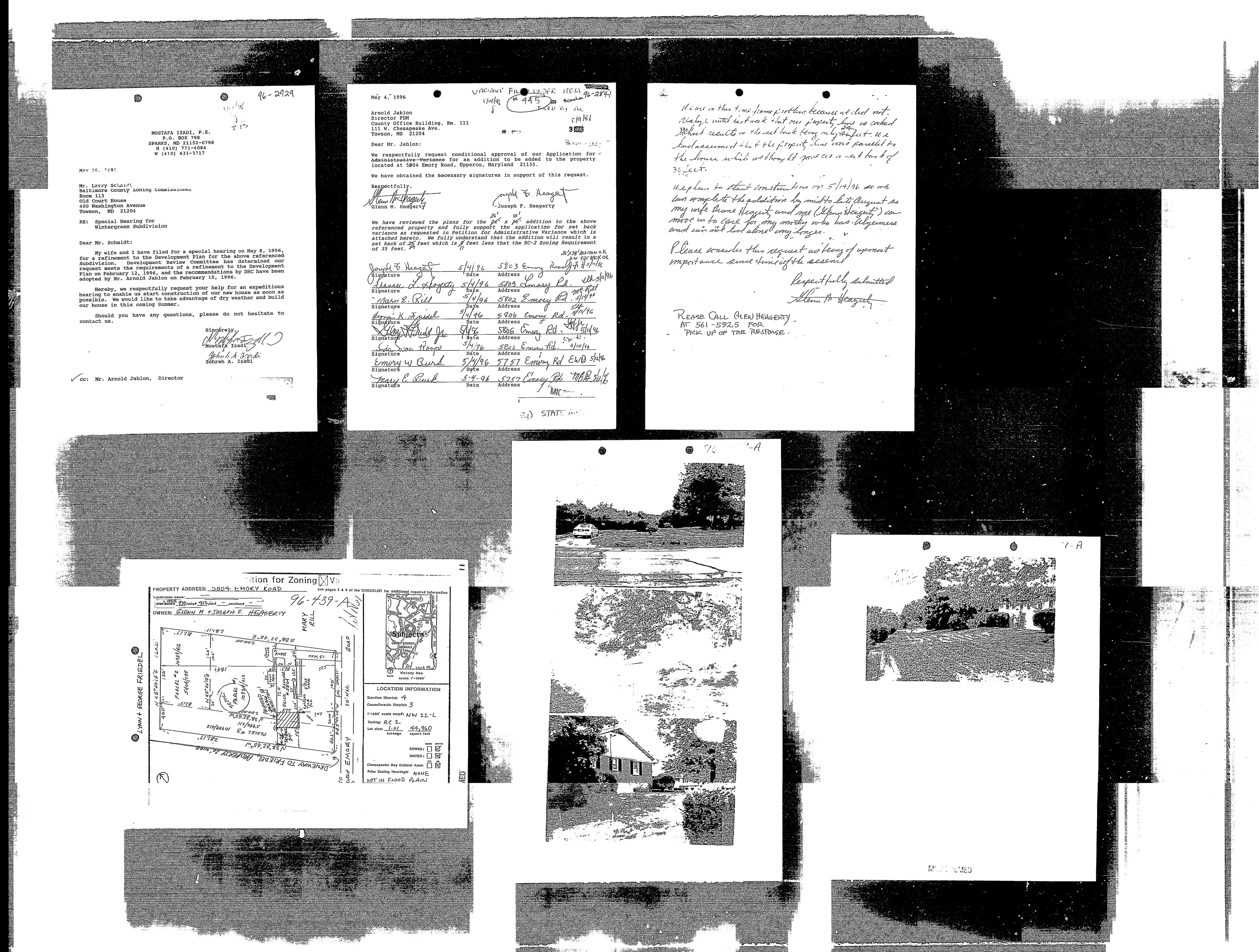
Robert W. Bowling, P.E., Chief Development Plans Review Division

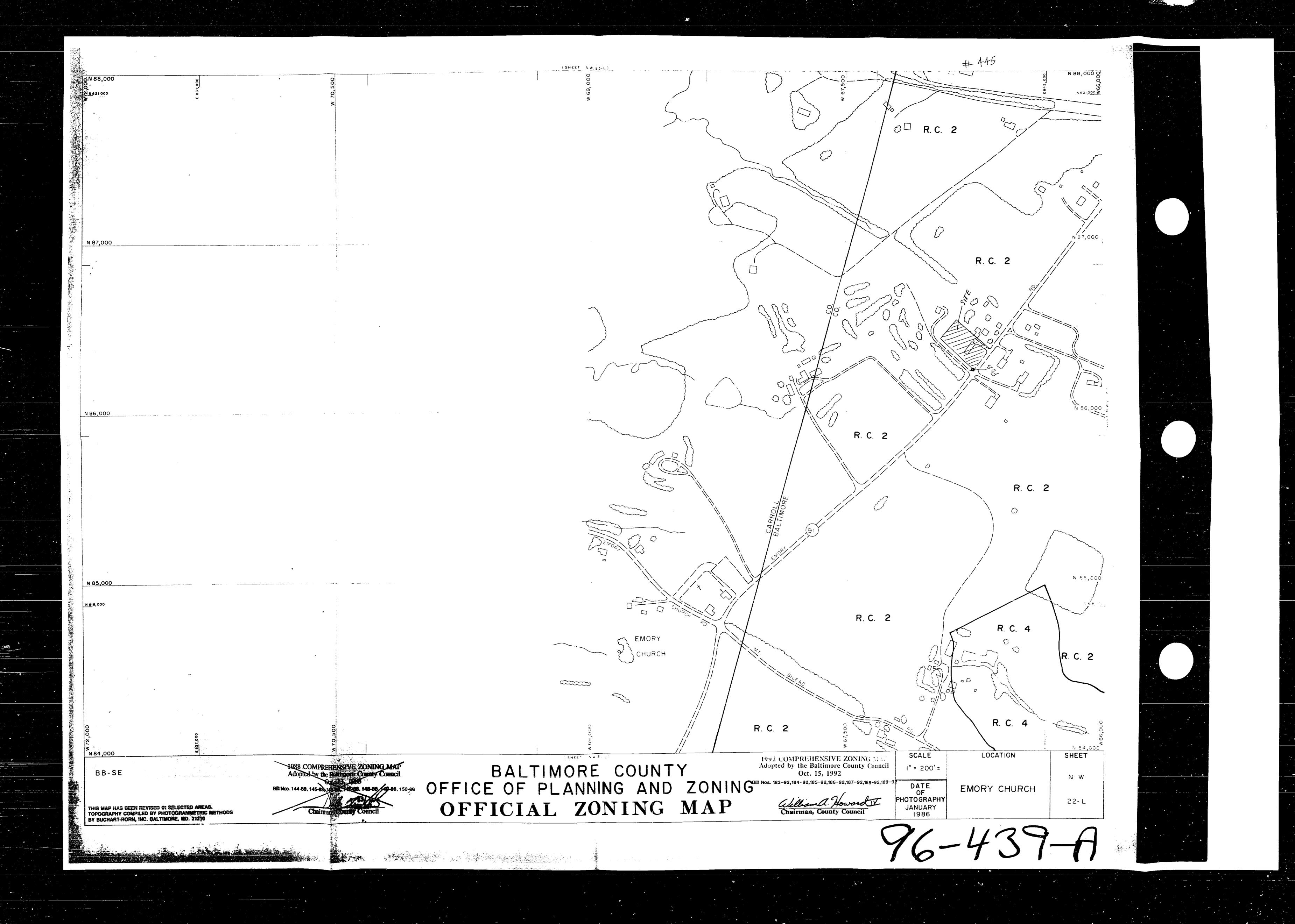
SUBJECT: Zoning Advisory Committee Meeting for May 28, 1996 Item Nos. 437, 440, 442, 444, 445, 446, 448 & 449

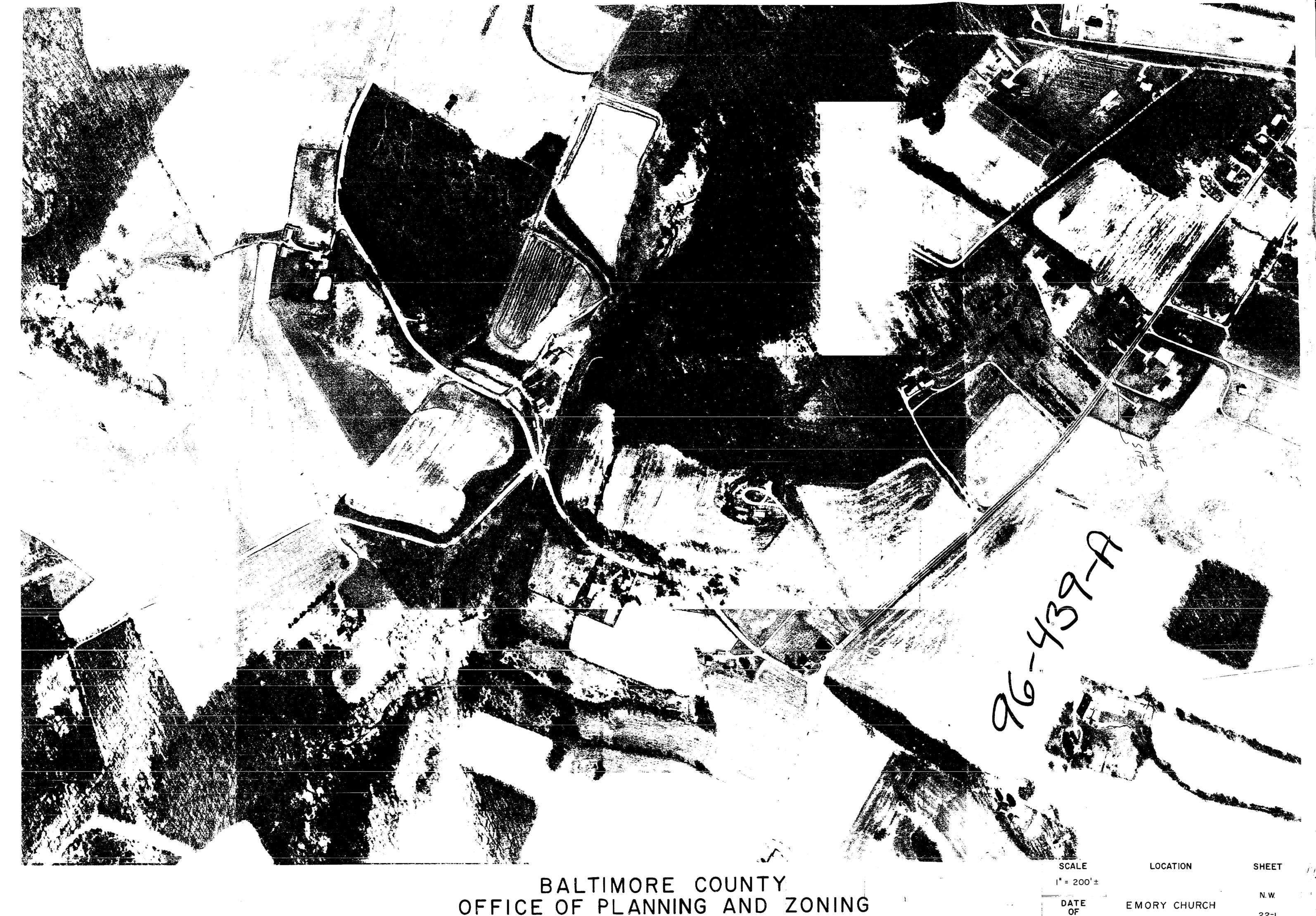
The Development Plans Review Division has reviewed the subject zoning items, and we have no comments. RWB:HJO:jrb

cc: File

CALLED MR HAEGERTY FOR PICK UP + COMPLETION OF PROVISIONAL TO BE RETURNED TO US. HIS FORM IS IN PU FILE APPUL UNDER H. I ADVISE HIM OF THIS ON HIS MESSHERE







BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

22-L